**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**NAGPUR BENCH : NAGPUR.**

**Writ Petition No. 3538 of 2007**
**[N.M. Daiyya Vs. R.N. Khodke & another]**

| Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders. | Court's or Judge's orders |
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Mr. N.R. Saboo, Advocate for the petitioner.

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**CORAM : A.H. JOSHI, J.**

**DATE : 31st October,2007.**

Learned Advocate Mr. Saboo states that the petitioner would like to withdraw Exh.3 in view of the fact that it has been rejected on the sole ground that there is no ground for hearing the application and it makes no difference when there is no water in the well, subject matter.

Learned Advocate Mr. Saboo, therefore, prays for a permission to withdraw Exh.3 of Regular Civil Appeal No. 71 of 2004.

Considering that the rejection of Exh.3 which is not on account of adjudication on merit, but on account of fact of non-availability of water, this Court finds that no prejudice would be caused to the respondents if

**this Court allows the petitioner to withdraw Exh.3 in Regular Civil Appeal No. 71 of 2004. In view of this prayer, Exh.3 on the file of Regular Civil Appeal No. 71 of 2004 is allowed to be withdrawn.**

**In the result, it would be open to the petitioner to make a fresh application for the said relief if occasion arises when all issues will be open for decision.**

**With this direction, Writ Petition is disposed of.**

**Judge**

**|Hedau|**

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**NAGPUR BENCH : NAGPUR.**

**Civil Application Nos. 4542 of 2007 and 4543 of 2007**
**IN**
**Second Appeal No. 338 of 2007**
**[N.R. Thakre Vs. S.R. Agrawal]**

| Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders. | Court's or Judge's orders |
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Mr. C.A. Joshi, Advocate for the appellant.

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CORAM : A.H. JOSHI, J.

DATE : 31st October,2007.

Civil Applications do not survive.

Judge

|Hedau|